
Appeal Decision

Site visit made on 8 November 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 January 2018

Appeal Ref: APP/L5810/W/17/3181125

York Street, in front of No. 2 (Barclays Bank), Twickenham TW1 3LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 17/1950/TEL, dated 17 May 2017, was refused by notice dated 11 July 2017.
 - The development proposed is the installation of a freestanding payphone kiosk on the pavement.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the banner heading above from the appeal form, as it more clearly describes the proposal than the description contained in the planning application form.
3. Only the construction of the kiosk is being considered in this appeal and not advertisement consent, which would be a separate matter.
4. The principle of this type of development is already established under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The local planning authority is required to assess the proposal solely in relation to matters of siting and appearance. I have determined this appeal on the same basis.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed payphone kiosk on:
 - the character and appearance of the street scene, including the Twickenham Riverside Conservation Area (CA), and on the setting of a grade II listed building; and,
 - pedestrian movement along the highway.

Reasons

Character and appearance

6. The appeal site is located on a prominent corner where London Road, York Street, King Street and Church Street coalesce in the commercial centre of Twickenham and within the CA. The Conservation Area Study¹ comments that *'King Street and Church Street form the true heart of the town centre, mainly because of their surviving C18th buildings.'* Many of the Victorian and Edwardian buildings in the area have been locally designated as Buildings of Townscape of Merit (BTM), including a number along Church Street.
7. It is proposed to site the payphone kiosk in front of 2 York Street, occupied by Barclays Bank. That building is a substantial and impressive three storey semi-circular, grade II listed building, constructed of stone in the early 20th century. It curves around its prominent corner site and dominates the view looking north east along King Street. Its main façade and Doric entrance porch with paired columns is set back from a generous expanse of pavement area. A young Ash tree stands in front of this landmark building providing welcome greenery to the townscape.
8. I am mindful of the strong protection afforded by statute², and the great weight attributed by National Planning Policy Framework (the Framework)³, to the conservation of designated heritage assets, which include conservation areas and listed buildings and their settings. The proposal would introduce a black, metal framed asymmetrical kiosk of utilitarian design into the area directly in front of the listed building at No 2. Although there are low-level black railings and some other street furniture in the vicinity, at 2.6 metres high and about 1.3 wide, the modern functional appearance and siting of the kiosk would be unsympathetic to the existing listed building and have an adverse impact on its setting.
9. The CA Statement expresses concern about the negative effects of a lack of coordination and poor quality of street furniture in the CA. Bearing that in mind, and the factors referred to above, together with the positive contributions of the listed building and the surrounding BTM to the area, I find that the proposal would also have a detrimental effect on the character and appearance of wider street scene in this part of the CA, adversely affecting the CA as a whole.
10. Concern has been expressed by the Council about possible damage, from installing the kiosk, to the young Ash tree which would be within about 5 metres, and is an attractive feature of the street. However, I see no reason why the Council could not have sought further information from the appellant on that issue prior to determination. As insufficient information has been provided by the parties, I am not in a position to reach a definitive conclusion on the possible effect on the tree.
11. Although I have identified real harm to designated heritage assets, in this case the harm caused by one payphone kiosk would be 'less than substantial', in the terminology of paragraph 134 of the Framework. Therefore, it is necessary to balance that harm against the public benefits of the proposal.

¹ Twickenham Riverside and Queen's Road Conservation Area Study (Published November 1998)

² ss. 66(1) & 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

³ Paragraph 132

12. The kiosk would use sustainable solar power for its lighting. Its open fronted design would also be accessible to wheelchair and mobility scooter users. Those are positive factors in its favour. The Framework also draws attention to the essential contribution of high quality communications infrastructure to sustainable economic growth and to the provision of local and community facilities and services.⁴ However, the appellant has not advanced a compelling case for the particular contribution at this location. On balance, the public benefits would not outweigh the harm which I have identified to the setting of a grade II listed building and to the CA.
13. The above factors lead me to conclude that the siting and appearance of the proposed payphone kiosk would harm the character and appearance of the street scene, the CA and the setting of a grade II listed building. Therefore, the proposal would conflict with relevant development plan policies, including policies CP7 and CP9 of the Local Development Framework Core Strategy (CS)⁵, which, amongst other things, seek to protect buildings and areas of recognised high quality and historic interest from inappropriate development and improve the main shopping area in Twickenham town centre.
14. It would also be contrary to policies DM DC1, DM HD1, DM HD2 and DM HD3 of the Local Development Framework Development Management Plan (DMP)⁶ which aim to ensure that development respects local character, conserves and enhances the character and appearance of the CA and the settings of listed buildings and BTM. Furthermore, it would fail to accord with similar aims in emerging policies LP1, LP3 and LP4 and of the Local Plan Publication version for consultation (LPPVC).⁷
15. As I was unable to reach a conclusion on the possible effect of the proposed works on the nearby protected tree, I do not find clear conflict with policy DM HD4 of the DMP or emerging policy LP 16 of the LPPVC, which are referred to in the Council's decision notice.

Pedestrian movement

16. There is concern about the effect of the positioning of the kiosk on pedestrian movement and safety. Although this is a busy commercial area, the kiosk would be on a widened area of pavement and about 5-6 metres of pavement width would remain available for pedestrians. That would be sufficient space to avoid a significant impact on pedestrian movement.
17. Although the kiosk would be at a natural crossing point, near the junction of Church Street and Water Lane, it would be set back about 1.3 metres from the pavement edge. In that context, and given the space referred to above, I do not consider that it would obstruct vehicles, impede pedestrians or have implications for highway safety. Therefore, it would not conflict with policy DM TP6 of the DMP or emerging policy LP44 of the LPPVC, insofar as they seek to facilitate pedestrian movement and protect highway safety.

⁴ Paragraph 42

⁵ Adopted April 2009

⁶ Adopted November 2011

⁷ 4 January – 15 February 2017

Conclusion

18. Although I have not found harm in relation to pedestrian movement and highway safety, the harm which I have identified to the character and appearance of the street scene, the CA and the setting of a listed building is decisive.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR